United Nations S/AC.52/2011/42

Security Council

Distr.: General
13 December 2011
English
Original: French

Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya

Letter dated 8 July 2011 from the Permanent Representative of France to the United Nations addressed to the Chair of the Committee

I have the honour to transmit herewith the report of France to the Sanctions Committee established pursuant to Security Council resolution 1970 (2011) concerning the implementation of paragraphs 9, 10, 15 and 17 of Security Council resolution 1970 (2011) (see annex).

I would be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Gérard **Araud**

11-63634 (E) 161211 191211

Please recycle

Annex to the letter dated 8 July 2011 from the Permanent Representative of France to the United Nations addressed to the Chair of the Committee

Report of France to the Sanctions Committee established pursuant to Security Council resolution 1970 (2011)

Implementation of paragraphs 9, 10, 15 and 17 of Security Council resolution 1970 (2011)

In paragraph 25 of its resolution 1970 (2011), adopted on 26 February 2011, the Security Council "[c]alls upon all Member States to report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 above".

In accordance therewith, and following the adoption of relevant provisions by the European and the North Atlantic Treaty Organization (NATO), France would like to bring to the Security Council's attention the following complementary information on measures taken with a view to the implementation of the resolution.

I. Measures taken within the framework of the European Union

On 28 February 2011 (by Council decision 2011/137/CFSP and Council regulation (EU) No. 204/2011) and 23 March 2011 (by Council decision 2011/178/CFSP and Council regulation (EU) No. 296/2011), the European Union transposed the sanctions measures adopted by the Security Council in its resolution 1973 (2011):

1. Arms embargo:

Article 1, paragraph 1, of Council decision 2011/137/CFSP prohibits the direct or indirect supply, sale or transfer of arms and related material of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for these items. Paragraph 2 of the decision also prohibits the provision of any form of technical assistance or training related to such items, goods, equipment or technology.

The European Union has also adopted separate measures imposing an embargo on equipment that might be used for internal repression (article 1, paragraph 1, of Council decision 2011/137/CFSP), a list of which appears in annex I to Council regulation (EU) No. 204/2011.

2. Measures for the freezing of funds and prohibition of access to the territory:

(a) Article 5, paragraph 1 (a), of the decision of 28 February, as amended by the aforementioned decision of 23 March 2011, prohibits the entry into, or transit through, the territories of member States of persons designated by the Security Council.

The European Union has extended these measures to include a further list of individuals, including members of the Libyan Government and associates of

Colonel Qadhafi (article 5, paragraph 1 (b), of the decision of 28 February 2011 and subsequent decisions[1]).

(b) Article 6, paragraph 1 (a), of the decision of 28 February 2011, as modified by the decision of 23 March 2011, also imposes a freeze on all the funds and economic resources of persons and entities designated by the Security Council.

In addition to these provisions, Council decision 2011/137/CFSP et seq.[2] expanded this list to include additional persons (the same as those covered by the prohibition of entry into the territory) and entities (including six banks, affiliates of the National Oil Corporation and six Libyan ports controlled by Colonel Qadhafi's regime (Tripoli, Al Khoms, Brega, Ras Lanuf, Zawia and Zuwara)). The purpose of these measures is to significantly limit the Tripoli regime's ability to procure funds, fuel and military equipment. A humanitarian clause has been included so that the basic needs of the population can be met.

II. Measures taken within the framework of the North Atlantic Treaty Organization

(a) As a NATO member, France participates actively in fulfilment of the obligations established in paragraphs 8 and 9 of resolution 1970 (2001), on the arms embargo, and paragraph 13 of resolution 1973 (2011).

(b) Since 23 March 2011, on the basis of Security Council resolutions 1970 (2011) and 1973 (2011), NATO has been conducting a mission of support for implementation of the embargo on the movement of arms out of or into Libyan territory within the framework of Operation Enduring Freedom. In so doing, it relies on a strategic operation plan (OPLAN 10309), adopted by the North Atlantic Council on 19 March 2011, and an implementing decision of the North Atlantic Council, which launched the embargo support operation on 22 March 2011. To that end, it has used sea and air and maritime capabilities to impose an air and maritime arms embargo that has been implemented without major incident. The embargo was extended until the end of September 2011 through the recent commitment of most national contributions for an additional 90 days.

(c) One hundred days after the launching of the international military intervention and three months after the transfer of responsibility for the conduct of operations to NATO, Operation Unified Protector was extended for 90 days as from 27 June 2011. Since 31 March 2011, the ships involved in implementation of the embargo have stopped over 1,500 vessels, of which 126 were inspected and 8 were denied entrance to the area.

---

[1] Council implementing decision 2011/156/CFSP, Council implementing regulation (EU) No. 233/2011, Council implementing decision 2011/175/CFSP, Council implementing regulation (EU) No. 272/2011, Council implementing regulation (EU) No. 288/2011, Council implementing decision 2011/236/CFSP, Council implementing regulation (EU) No. 360/2011, Council implementing decision 2011/300/CFSP, Council implementing regulation (EU) No. 502/2011, Council implementing decision 211/332/CFSP, Council implementing regulation (EU) No. 572/2011, Council implementing decision 2011/345/CFSP and Council implementing regulation (EU) No. 573/2011.

[2] See note 1 above.